INDEX TO THE JOURNAL OF THE MISSOURI BAR 1981

The Subject and Author Index contains the bibliographical information to articles arranged in one alphabet.

Letters in parentheses under author listing refer to first letter of title. The subject headings are the same as used in the Index to Legal Periodicals.

The Table of Cases lists cases alphabetically by the plaintiff's name. Those cases appearing in flag notes have the name of the person noting same in parentheses.

Subject and Author Index

ADMINISTRATION of justice
Plight of administration of justice. W. F. Baker. 37:501
State of the judiciary in Missouri. R. T. Donnelly. 37:515
ADMINISTRATIVE procedure
Judicial determination of the validity of administrative agency rules: a forum without substance? R. M. Lynch. 37:81
ADVISORY opinions
Use of trust account. (Opinion 116) 37:475
ANTITRUST law
Antitrust enforcement policy under the Reagan administration. J. J. Murphy. 37:471
APPELLATE procedure
Appellate process in federal criminal cases. T. M. Bradshaw. 37:384
Oral argument of appellate cases: a practice worth preserving? P. L. Simons. 37:369
APPOINTED counsel
Forced labor without apology. R. Popper. 37:446
Guide for appointed counsel for indigent movants under Rule 27.26. T. Daley. 37:41

BAKER, Wade F.
Administration of Justice (P)
Legal profession (B) (P)
BAR associations: Missouri
Bar journal. W. O. Rasch. 37:367
Integrated bar: to be or not to be. J. E. McDaniel. 37:433
Missouri bar Y.L.S. J. M. Ellis. 37:435
YLS activities. G. S. Dyer. 37:11
Young lawyers section activities update. G. S. Dyer. 37:215
BARDGETT, John E.
Court rules (M)
BIOGRAPHY: individual
McDaniel, James E.: president The Missouri Bar 1981-82. 37:483
BLESSING, Anne H.
Estate planning (M)
Taxation practice and procedure (M)
BORRON, John A., Jr.
Probate law and practice (I)
BRADSHAW, Thomas M.
Appellate procedure (A)
BUNCH, Willard B.
Crime, victims of (P)

CALKINS, Judson W.
Legal ethics (C) (D) (F) (S) (W)
CIVIL procedure
Civil practice before associate circuit judges since the court reform. R. S. Cohen. 37:217; 37:417
Report on the work of the supreme court committee on rules. J. A. Finch, Jr. 37:112
COCHRAN, Thomas D.
In Memoriam 1934-1981. 37:351
COHEN, Robert S.
Civil procedure (C)
COLE, James S., Jr.
Liens (N)
CONSUMER credit
Missouri consumer credit law: an update. S. M. Geary. 37:451
CORPORATIONS: closely held
Issues in valuing closely held businesses. J. P. Jennings. 37:243

CORRUPT practices
Amending the foreign corrupt practices act. D. M. Neill. 37:413
COURT rules
Making local court rules more accessible. J. E. Bardgett. 37:398
CRIME prevention
Reagan administration's anticrime program. D. M. Neill. 37:537
CRIME, victims of
Proposed legislation on compensation of victims of crime. W. B. Bunch. 37:147

DAGENAIS, Don F.
Tax liens (T)
DALEY, Terry
Appointed counsel (G)
DONNELLY, Robert T.
Administration of justice (S)
Integrated bar (S)
DYER, Gary S.
Bar associations: Missouri (Y)
Legal profession (Y)

EISENSTEIN, David
Life insurance (W)
ELLIS, Joseph M.
Bar associations: Missouri (M)
ERBACHER, Philip J.
Property taxes (I)
Taxation practice and procedure (A) (B) (C) (D) (L) (R) (T)
ESTATE PLANNING
Marital deduction estate planning after the economic recovery tax act of 1981. W. A. Katz and A. H. Blessing. 37:503
EXPORTS and imports
Export financing — a few ideas. D. M. Neill. 37:267
Export trade associations. D. M. Neill. 37:55
The 97th Congress and export issues. D. M. Neill. 37:125

FINCH, James A., Jr.
Civil procedure (R)
FREEDOM of information
Amending the freedom of information act. J. J. Murphy. 37:343

GEARY, Steven M.
Consumer credit (M)
GINN, Rosemary
Judicial selection (M)

INSTRUCTIONS to juries
A caveat to libel and slander instructions. H. P. Thomson, Jr. 37:335
New libel and slander instructions: a partial federalization of Missouri defamation law. S. C. Scott. 37:149
INTEGRATED bar
State of the judiciary in Missouri. R. T. Donnelly. 37:515

JENNINGS, James P.
Corporations: closely held (I)
JUDICIAL immunity
Judge needs a lawyer. F. Q. Nebeker. 37:101
JUDICIAL selection
Merit selection of federal judges. J. E. Stevens, Jr. 37:9
Merit selection of federal judges: the Missouri experience. R. Ginn. 37:460

KATZ, Ward A.
Estate planning (M)
Taxation practice and procedure (M)

LAW office management
The law firm systems and procedures manual. D. N. Stern. 37:521
LEGAL ethics
Code still prohibits participation by counsel in self-laudatory statements in public press. J. W. Calkins. 37:341
Disaster and leadership. J. E. Stevens, Jr. 37:297
Disclosure requirements where presiding judge has son who is a law clerk in counsel's firm. J. W. Calkins. 37:265
Dismissal of parties defendant does not ipso facto permit direct communication with them as pertinent witnesses. J. W. Calkins. 37:469
Dividing line between group legal services and public education on

the law may become blurred. J. W. Calkins. 37:533
Do office-sharing practitioners have a conflict in representing competing interests? J. W. Calkins. 37:183
Fee splitting between nonpartners prohibited by code in absence of services to clients. J. W. Calkins. 37:411
Sole practitioners sharing offices are precluded from using common letterhead. J. W. Calkins. 37:123
What implications of NOW accounts for office escrow account? J. W. Calkins. 37:53

LEGAL profession
Back to basics. W. F. Baker. 37:299
Communication of professional chauvinism: how the lawyer can impair his working relations with other helping professionals. A. E. Smith. 37:330
Establishing better relations and communications between the courts and the organized bar. J. E. Stevens, Jr. 37:213
Missouri bar committee on alcoholism. J. E. Stevens, Jr. 37:76
Purpose and function of a bar association. W. F. Baker. 37:79
YLS activities. G. S. Dyer. 37:11
Young lawyers section activities update. G. S. Dyer. 37:215

LEGAL service
Demise of federally funded legal services? J. J. Murphy 37:185

LIABILITY
Warranties and the new home. P. D. Sinclair. 37:236

LIBEL and slander
New libel and slander instructions: a partial federalization of Missouri defamation law. S. C. Scott. 37:149

LIENS
Non-indexed judgment liens on real estate in Missouri. J. S. Cole, Jr. 37:320; 37:479

LIFE insurance
Wife-owned life insurance. D. Eisenstein. 37:224

LYNCH, Robert M.
Administrative procedure (J)

MALPRACTICE
Avoiding malpractice claims — the initial interview form. D. W. Stern. 37:116
Avoiding malpractice claims — how effective is your docket control system? D. N. Stern. 37:259
Avoiding malpractice claims — when is a door more than a door? — when it leads to a malpractice claim. D. N. Stern. 37:404
Avoiding malpractice claims — the law firm systems and procedures manual. D. N. Stern. 37:521

McDANIEL, James E.
Bar associations: Missouri (I)
Public defender (R)

MONTAGUE, Mark K.
Pension plans (M)

MULLIGAN, Michael D.
Probate law and practice (D)

MURPHY, James J.
Antitrust law (A)
Freedom of information (A)
Legal service (D)

NEBEKER, Frank Q.
Judicial immunity (J)

NEILL, Denis M.
Corrupt practices (A)
Crime prevention (R)
Exports and Imports (E) (N)

NOBLE, Richard W.
Pension plans (M)

PEMBERTON, Bradley P.
Taxation practice and procedure (E)

PENSION plans
Multiemployer pension plan amendments Act of 1980: Deliverance or Disaster? R. W. Noble and M. K. Montague. 37:377

POPPER, Robert
Appointed counsel (F)

PROBATE law and practice
Disclaimer — an analysis of the new Missouri statute. M. D. Mulligan. 37:307; 37:454
Independent administration and other probate matters under the new code. J. A. Borron, Jr. 37:13

PRODUCTS liability
Product experts for plaintiff — some practical suggestions. T. Strong. 37:301
Products liability design defects in farm implements — a practical view from the plaintiff's side. F. Williams. 37:253
PROPERTY taxes
Installment sales tax reporting; construction of Missouri property tax exemption laws. P. J. Erbacher. 37:119
PUBLIC defender
Right to Counsel: whose responsibility. J. E. McDaniel. 37:498

RASCH, W. Oliver
Bar associations: Missouri (B)
ROSS, Frank J., Jr.
Taxation practice and procedure (E)

SCOTT, Stephen C.
Instructions to juries (N)
Libel and slander (N)
SIMONS, Pat L.
Appellate procedure (O)
SINCLAIR, Paul D.
Liability (W)
SMITH, Allen E.
Legal profession (C)
STERN, Duke Nordlinger
Law office management (L)
Malpractice (A)
STEVENS, Joseph E., Jr.
Judicial selection (M)
Legal ethics (D)
Legal profession (E) (M)
Witnesses (N)
STRONG, Thomas
Products liability (P)

TAX liens
Title examiner meets the federal tax lien: a modern horror story. D. F. Dagenais. 37:163
TAXATION practice and procedure
Accumulation of earnings for section 531 IRC penalty surtax; jurisdiction to determine validity of Mo. revenue ruling. P. J. Erbacher. 37:262
Bankruptcy trustee's liability for F.I.C.A. and F.U.T.A. employer taxes; Missouri corporation acting as Kansas fiduciary; Missouri sales tax exemption for expansion machinery. P. J. Erbacher. 37:529
Court of claims as a tax forum; allocation of income to Missouri under multi-state tax compact. P. J. Erbacher. 37:337
Does federal or state law apply in determining federal tax questions. P. J. Erbacher. 37:49
Economic recovery tax act of 1981: an analysis of major provisions. F. J. Ross, Jr. and B. P. Pemberton. 37:436
Liquidation of small closely held corporations; scope of confidentiality of tax returns in Missouri. P. J. Erbacher. 37:465
Marital deduction estate planning after the economic recovery tax act of 1981. W. A. Katz and A. H. Blessing. 37:503
Reciprocal trusts under federal estate tax law; Missouri franchise tax on subsidiary of corporation doing interstate business. P. J. Erbacher. 37:407
Treatment of inventory write-down; deduction of federal minimum tax on tax-preference items on Missouri returns. P. J. Erbacher. 37:179
THOMSON, Harry P., Jr.
Instructions to juries (A)

WILKINS, Fred
Products liability (P)
WITNESSES
Need for a systematic crime victim-witness notification program. J. E. Stevens, Jr.
WRIGHT, Pamela S.
Wrongful death (D)
WRONGFUL death
Damages under the Missouri wrongful death act. P. S. Wright. 37:92

Case Index

BALDWIN, M.D., State ex rel. v. Gaertner, Judge, 613 SW2d 638 (Mo. 1981) 37:140 (F-Vetter)

BLOOMER v. Capps, 620 SW2d 365 (Mo. 1981) 37:360 (F-Vetter)

B.M.P., In the Matter of the Application of, 612 SW2d 843 (Mo. App. E.D. 1981) 37:72 (F-Vetter)

BOWMAN, State ex rel. v. Block, Judge, 620 SW2d 69 (Mo. App. E.D. 1981) 37:360 (F-Vetter)

BRADFORD v. Union Elec. Co., 598 SW2d 149 (Mo. App. E.D. 1979) 37:140 (F-Vetter)

BRYSON v. Bryson, ___ SW2d ___ (Mo. App. E.D. 1981) 37:359 (F-Vetter)

BURGESS, Grafton M., Estate of v. Commissioner, 622 F.2d 700 (4th Cir. 1980) 37:49

CHEEK v. Prudential Insurance Co., 192 SW 387 (Mo. 1917) 37:139; 37:207 (F-Vetter)

CHURCH v. Richfer Corp., 617 SW2d 29 (Mo. 1981) 37:208 (F-Vetter)

CURNOW v. Sloan, ___ SW2d ___ (Mo. 1981) 37:495 (F-Vetter)

DeGRAFFENREID, State ex rel. v. Keet, Judge, 619 SW2d 873 (Mo. App. S.D. 1981) 37:292 (F-Vetter)

FIRESTONE Tire & Rubber Co. v. Risjord, 101 S.Ct. 669 (1981) 37:140 (F-Vetter)

GERTZ v. Robert Welsh, Inc., 418 U.S. 323 (1974) 37:149

HALE v. Buckner, 615 SW2d 97 (Mo. App. E.D. 1981) 37:140 (F-Vetter)

HANCH v. KFC National Management Corp., 615 SW2d 28 (Mo. 1981) 37:139 (F-Vetter)

HARDWARE Center Inc. v. Parkedge Corp., 618 SW2d 689 (Mo. App. E.D. 1981) 37:208 (F-Vetter)

HARRIS v. Associated Dry Goods, 612 SW2d 389 (Mo. App. E.D. 1981) 37:3 (F-Vetter)

HEAFNER v. Safeco National Insurance Co., 613 SW2d 478 (Mo. App. E.D. 1981) 37:72 (F-Vetter)

ILLINOIS Farmers Insurance Co. v. Colyar, et al., 614 SW2d 759 (Mo. App. E.D. 1981) 37:4 (F-Vetter)

JONES v. Corcoran, Judge, ___ SW2d ___ (Mo. App. E.D. 1981) 37:428 (F-Vetter)

KENDALL v. Sears, Roebuck & Co. and Roper Corp., ___ SW2d ___ (Mo. App. W.D. 1981) 37:139 (F-Vetter)

KOHLER v. Rockwell Intern. Corp., 600 SW2d 647 (Mo. App. W.D. 1980) 37:139 (F-Vetter)

KUCHTA v. Kuchta, ___ SW2d ___ (Mo. 1981) 37:359 (F-Vetter)

LEWIS v. Bucyrus-Erie, Inc., ___ SW2d ___ (Mo. 1981) 37:428 (F-Vetter)

MISSOURI Pacific R. Co. v. Whitehead & Kales Co., 566 SW2d 466 (Mo. 1978) 37:139 (F-Vetter)

MISSOURI State Highway Commission, State ex rel. v. Hensel Phelps Construction Co. et al. ___ SW2d ___ (Mo. App. W.D. 1981) 37:291; 37:360 (F-Vetter)

NIEMCZYK v. Burleson, 538 SW2d 737 (Mo. App. S.D. 1976) 37:292 (F-Vetter)

OATES v. Safeco Ins. Co. of America, 583 SW2d 713 (Mo. 1979) 37:428 (F-Vetter)

PEACH, State ex rel. v. Tillman, Judge, 617 SW2d 101 (Mo. App. E.D. 1981) 37:72 (F-Vetter)

PENTECOSTAL Church of God of America v. Hughlett, 601 SW2d 667 (Mo. App. S.D. 1980) 37:120

PORTER v. Gottschall, Administrator, 615 SW2d 63 (Mo. 1981) 37:207 (F-Vetter)
PRUDENTIAL Insurance Co. v. Cheek, 259 US 530 (1922) 37:139 (F-Vetter)

R. B. INDUSTRIES, Inc. v. Goldberg, 601 SW2d 5 (Mo. 1980) 37:50
RIMMER v. Colt Industries Operating Corp., 495 F.Supp. 1217 (W.D. 1980) 37:139 (F-Vetter)
ROSS v. Clouser, ___ SW2d ___ (Mo. App. E.D. 1981) 37:292 (F-Vetter)

SAMPSON v. W. F. Enterprises, Inc. et al., 611 SW2d 333 (Mo. App. W.D. 1980) 37:4 (F-Vetter)
SHAPIRO, State ex rel. v. Cloyd, Judge, 615 SW2d 41 (Mo. 1981) 37:140 (F-Vetter)
SHQEIR v. American Family Ins. Co., ___ SW2d ___ (Mo. App. W.D. 1981) 37:207 (F-Vetter)
SMITH v. Old Warson Development Co., 479 SW2d 795 (Mo. 1972) 37:236
SPRAGUE et al. v. United States, 627 F2d 1044 (10th Cir. 1980) 37:119
STATE v. Broadux, 618 SW2d 649 (Mo. 1981) 37:292 (F-Vetter)
STATE v. Franco, ___ SW2d ___ (Mo. 1981) 37:495 (F-Vetter)
STATE v. Mitchell, 611 SW2d 211 (Mo. 1981) 37:71 (F-Vetter)
STOFFER, State ex rel. v. Moore, Judge, ___ SW2d ___ (Mo. App. S.D. 1981) 37:71 (F-Vetter)

TARRASCH, State ex rel. v. Crow, Judge, ___ SW2d ___ (Mo. 1981) 37:427 (F-Vetter)
TERMINAL Railroad Assn., State ex rel. v. Flynn, 257 SW2d 69 (Mo. 1973) 37:208 (F-Vetter)
TOOMEY v. Toomey, ___ SW2d ___ (Mo. App. E.D. 1981) 37:292 (F-Vetter)

WILSON v. State, 613 SW2d 668 (Mo. App. W.D. 1980) 37:3 (F-Vetter)
WOLFF, State ex rel. v. Ruddy, 617 SW2d 67 (Mo. 1981) 37:446